



# National Milk Producers Federation

National Milk Producers Federation • 2101 Wilson Blvd., Arlington, VA 22201 • 703-243-6111 FAX 703-841-9328

Agri-Mark, Inc.  
Arkansas Dairy Cooperative Association  
Associated Milk Producers, Inc.  
California Dairies, Inc.  
Cass-Clay Creamery, Inc.  
Continental Dairy Products, Inc.  
Cooperative Milk Producers Assn.  
Dairy Farmers of America, Inc.  
Dairymen's Marketing Cooperative, Inc.  
Dairylea Cooperative Inc.  
Ellsworth Cooperative Creamery  
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First District Association  
Foremost Farms USA  
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Scioto County Co-op Milk Producers' Assn.  
Select Milk Producers, Inc.  
Southeast Milk, Inc.  
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Tillamook County Creamery Assn.  
United Dairymen of Arizona  
Upstate Farms Cooperative Inc.  
Zia Milk Producers

June 6, 2005

Docket No. 05-015-1  
Regulatory Analysis and Development  
PPD, APHIS, Station 3C71  
4700 River Road, Unit 118  
Riverdale, MD 20737-1238

Re: Docket No. 05-015-1, *National Animal Identification System; Notice of Availability of a Draft Strategic Plan and Draft Program Standards.*

Dear Sir or Madam:

The following comments are being submitted on behalf of the National Milk Producers Federation (NMPF) to the Animal Plant Health Inspection Service (APHIS) notice of availability and request for comments entitled *National Animal Identification System; Notice of Availability of a Draft Strategic Plan and Draft Program Standards* (Docket No. 05-015-1). NMPF, headquartered in Arlington, VA, develops and carries out policies that advance the well-being of U.S. dairy producers and the cooperatives they collectively own. The members of NMPF's 33 cooperatives produce the majority of the U.S. milk supply, making NMPF the voice of 60,000 dairy producers on Capitol Hill and with government agencies. NMPF members have a vested interest in protecting the U.S. from any disease which may threaten our national dairy herd, including any foreign animal disease which may be introduced into the U.S. either unintentionally or deliberately. Therefore, NMPF appreciates this opportunity to comment on this notice of availability and request for comments regarding the development and implementation of the National Animal Identification System (NAIS).

## NAIS Program Development/Background

NMPF and many other livestock groups have been actively engaged in the planning and development process which has preceded APHIS implementation of NAIS. NMPF participated in the early planning discussions initiated by the National Institute of Animal Agriculture (NIAA) in 2002. NMPF continued our active involvement through 2003 and 2004, participating as part of the National Identification Development Team (NIDT) organized by APHIS to expand upon the original work plan developed through the efforts of NIAA. This further involvement led to the

Jerry Kozak, President/Chief Executive Officer

Charles Beckendorf, Chairman

[www.nmpf.org](http://www.nmpf.org)

formation of the U.S. Animal Identification Plan (USAIP) and the formation of various USAIP species working groups that continue to develop recommendations for successful implementation of NAIS. NMPF helped organize the Cattle Species WG in conjunction with the National Cattlemen's Beef Association. Much of the work of the USAIP Cattle Species WG and Dairy Subgroup has provided the basic guidelines and standards being adopted by USDA for implementation of NAIS. Therefore, NMPF continues to be vitally concerned about the successful implementation of NAIS in a timely manner.

### **Major NMPF Recommendations**

1. NMPF supports making NAIS mandatory at the earliest possible date. NMPF encourages USDA to meet the January 1, 2009 compliance date for reporting livestock movements in the U.S. If at all possible, NMPF would encourage USDA to expedite implementation of NAIS to achieve this goal by January 1, 2008. NMPF believes greater funding directed at building the NAIS infrastructure for recording and reporting animal movements would accelerate the compliance dates set-forth in the Draft Strategic Plan.
2. NMPF strongly encourages USDA to adopt ISO-compliant Radio Frequency Identification Device (RFID) ear tags as the standard for implementing NAIS in the U.S. cattle industry as recommended by the NAIS Cattle Species Working Group. Furthermore, USDA should encourage other species groups to adopt ISO-compliant RFID standards for identification in order to establish a national uniform basis for reporting all animal movements to NAIS. Maintaining a "technology neutral" position will only serve to delay and complicate implementation of NAIS and will result in added costs and inconvenience to all stakeholder groups.
3. In order to be able to track all animal movements in the U.S. within 48 hours, NMPF supports reporting all animal movements which result in commingling of livestock from different or multiple owners to an NAIS national database. This would include all changes of ownership in both interstate and intrastate commerce where commingling of livestock from different sources occur. NMPF supports both the buyer and seller reporting to provide a necessary cross-check for tracking purposes.
4. NMPF strongly supports the need to maintain confidentiality of the limited information which will be needed for NAIS tracking purposes (i.e., date of movement, premises ID from where the animal or group/lot of animals are received and the corresponding individual animal or group/lot animal identification). Therefore, NMPF encourages USDA to prohibit any person(s) other than state or federal animal health officials from having access to this national database for routine use and only for purposes of tracking animals for emergency purposes or in the normal conduct of animal health monitoring and surveillance for animal disease control

purposes. NMPF further encourages USDA to continue to seek legislative authority to exempt this national database from the Freedom of Information Act (FOIA) or to find other means to prevent access to this national database by those individuals or groups who could use it for competitive purposes or to disadvantage producers.

5. NMPF supports maintaining all the limited but necessary NAIS tracking data in one centrally managed national database maintained under USDA authority. NMPF considers this approach to NAIS data management necessary to facilitate ready access to essential tracking data by all state and federal animal health authorities on a real-time basis. NMPF believes other privately managed systems may provide various value added type services to producers and may collect essential national tracking data, but must transfer the essential national tracking data to one centrally managed system which is maintained under USDA authority to meet the 48 hour NAIS traceability goal.

### **NMPF Response to Specific Questions Posed by USDA**

In order to further assist USDA with the implementation of NAIS, NMPF provides the following comments to specific questions which have been posed by APHIS in this notice:

***Question—Is a mandatory identification program necessary to achieve a successful animal disease surveillance, monitoring, and response system to support Federal animal health programs?*** NMPF members believe that NAIS must be implemented at the earliest possible time as a mandatory program, so as to be better able to protect our national dairy herd from the possible introduction of highly contagious foreign animal diseases such as Foot-and-Mouth (FMD) disease, or to prevent the reemergence of costly domestic diseases such as Bovine Tuberculosis. NMPF believes that at some point in the near future, NAIS must become mandatory for all producers or owners of livestock in the U.S. All species and segments of the livestock industry may become impacted by any particular disease event as commingling occurs. Hence, the critical need to be able to track all animal movements on a real time basis, irregardless of species, in order to hopefully contain the spread of a highly contagious disease such as FMD. Without the ability to track animal movements both forward and backward from the point of commingling and disease introduction, rapid control and successful intervention strategies are precluded. If one species or segment of the livestock industry is not accountable under a national uniform animal identification system, then the entire system may be jeopardized in a real emergency leading to costly or delayed tracking of individual animals, their progeny or herd cohorts.

***Question—In the current Draft Strategic Plan, the NAIS would require that producers be responsible for having their animals identified before the animals move to a premises where they are to be commingled with other animals, such as a***

*sale barn. At what point and how should compliance be ensured? For example, should market managers, fair managers etc. be responsible for ensuring compliance with this requirement before animals are unloaded at their facility or event?* NMPF believes that producers must bear the responsibility to identify all animals leaving their premises prior to being commingled with animals from other premises or owners. However, NMPF believes that the primary burden for compliance should be at the buyer or receiving end. Market managers and fair managers should be responsible to see that any animal unloaded at their market or a fairground is correctly identified.

*Question—It is acknowledged that some producers do not have the facilities to tag their animals; thus the Draft Program Standards document contains an option for tagging sites, which are authorized premises where owners or persons responsible for cattle could have the cattle sent to have AIN tags applied. Do you think this is a viable option; i.e., can markets or other locations successfully provide this service to producers who are unable to tag their cattle at their farms?* NMPF believes this should be retained as a viable option to permit free market negotiation between producers who do not want to tag at their farm and the markets who may want to provide such a service. It will be difficult enough to get all smaller size operators involved in the program, so we need to retain those options which make the process producer friendly. However, NMPF recommends that such authorized stations or locations be properly regulated to meet performance standards established by APHIS for tagging animals properly, validating AIN tag numbers with the correct premises, keeping proper records and reporting such animal movement events on a timely basis.

*Question—The current Draft Strategic Plan does not specify how compliance with identification and movement reporting requirements will be achieved when the sale is direct between a buyer and seller (or through their agents). In what manner should compliance with these requirements be achieved? Who should be responsible for meeting these requirements? How can these types of transactions be inputted into the NAIS to obtain the necessary information in the least costly, most efficient manner?* NMPF believes a direct sale between seller and buyer should be reported by both parties. Both parties should be held accountable for reporting on a timely basis. This requirement would provide a cross-check or validation for tracking purposes within the NAIS reporting system. Under the proposed draft standards, only three pieces of information will be required to be reported for cattle tracking purposes (i.e., date, premises number of the location where the animals were received and the corresponding individual cattle ear tag numbers). The Cattle Species WG recommended that sellers not be precluded from reporting each sale, thus adding the premises number and corresponding individual animal ID numbers from the seller. NMPF believes such additional information would provide a valuable verification or cross-check against information reported by the buyer. NMPF believes compliance should rest with both the seller and the buyer in private treaty sales.

***Question—USDA suggests that animals should be identified anytime prior to entering commerce or being commingled with animals from other premises. Is this recommendation adequate to achieve timely traceback capabilities to support animal health programs or should a timeframe (age limit) for identifying the animals be considered? Please give the reasons for your response.*** NMPF believes it is most desirable for dairy animals to be identified at birth and tagged as soon as practical thereafter, especially from a dairy herd health management standpoint. However, such a requirement may not be practical or enforceable. Therefore, NMPF continues to support identification at the time of movement prior to entering commerce or being commingled with animals from other premises or owners. This should become the minimum compliance point for NAIS. Free market forces may well drive identification at birth in the future.

***Question—Are the timelines for implementing the NAIS, as discussed in the Draft Strategic Plan, realistic, too aggressive (i.e., allow too little time), or not aggressive enough (i.e., do not ensure that the NAIS will be implemented in a timely manner)?*** Given the extraordinary effort that will be required to fully engage the entire livestock industry and the time and cost that will be required to develop and implement the necessary infrastructure to support NAIS as a mandatory program, NMPF supports the current timeframe outlined in the Draft Strategic Plan. However, given the current and continuing vulnerability of the livestock industry to foreign animal disease threats, NMPF believes every effort should be made to accelerate the target timeframes, if possible. NMPF believes this can be accomplished with additional resources directed toward implementation of the recording, tracking and reporting infrastructure which will be necessary to have NAIS fully operational. Under no circumstances should USDA miss the absolute target date of January 2009 to have NAIS fully operational.

***Question—Should requirements for all species be implemented within the same timelines, or should some flexibility be allowed?*** NMPF recommends that all species be held to the final timelines for premises registration by January 2008 and enforcement of the reporting of animal movements come January 2009. Prior to these hard dates for final enforcement of a mandatory system, NMPF would recommend flexibility be provided for those species sectors who have not been able to reach consensus regarding NAIS at this time.

***Question—What are the most cost-effective and efficient ways for submitting information to the database (entered via the Internet, file transfer from a herd management computer system, mail, phone, third-party submission of data)? Does the type of entity (e.g. producer, market, and slaughterhouse), the size to the entity, or other factors make some methods for information submission more or less practical, costly, or efficient?*** NMPF believes it is important at the outset of any new program to maintain flexibility and to encourage reporting on a timely basis through user friendly formats. Therefore, NMPF is recommending that a strong effort be made to accommodate multiple forms of entry into the database with emphasis being placed on a “timely manner”. Obviously, more flexibility needs to be provided at the producer

level with an emphasis on producer friendly formats, including maintaining the option for phone and paper reporting. To the extent possible, emphasis should be placed on moving to an all electronic format for collecting, recording and transferring information by January of 2009, with the appropriate exceptions for those producers who will not have access to electronic means of communication.

***Question—We are aware that many producers are concerned about the confidentiality of the information collected in the NAIS. Given the information identified in the draft documents, what specific information do you believe should be protected from disclosure and why?*** According to the Draft Program Standards dated April 25, 2005, the following language appears under Animal Tracking on Page 2: “As animals move from one premises to another, a few basic pieces of information would be reported to a National Animal Records Repository: the AIN or GIN, the PIN of the receiving location, and the date of the animal or animals’ arrival. The ability to achieve the 48-hour traceback objective would be directly affected by the percentage of animal movements that are recordable. Collecting animal movement information would be possibly the most challenging component of the NAIS.” However, under Reporting Animal Movements Page 25 of the Draft Program Standards, the following language appears under #1. “Using standard operating procedures, State/tribes would submit Animal transaction records of events related to animal/herd testing programs, certifying animals for interstate movement, completing electronic Interstate Certificate of Veterinary Inspection, etc. to the National Animal Records Repository. Based on this information, NMPF is convinced that all information transferred to the National Animal Records Repository, with the exception of the three basic pieces of information listed on Page 2 of the Draft Program Standards should be exempted from the Freedom of Information Act (FOIA). If USDA cannot provide such protection, then USDA/APHIS needs to adopt stringent operating standards which would prohibit any information transfer from any source to the National Animal Records Repository other than the basic three pieces of information cited above which become the only necessary pieces of information for animal health tracking purposes. All other information that may be submitted by producers to the State/Tribe Animal Tracking System would be unavailable to USDA, unless specifically requested and approved for release by the States or Tribes with producer permission. NMPF believes that the information contained within the National Animal Records Repository should only be directly related to the support of animal tracking from one location to another for animal health disease mitigation purposes, unless USDA can provide legal assurance to producers that any other information contained within that database can be exempted under the Freedom of Information Act (FOIA).

***Question—The NAIS as planned would require States, producers, and other participating entities to provide information and develop and maintain records. How could we best minimize the burden associated with these requirements? For example, should both the seller and the buyer of a specific group of animals report the movement of the animals, or is reporting by one party adequate?*** NMPF believes that the compliance burden for a direct sale between seller and buyer should

become the responsibility of both parties, as stated previously. The database tracking system should be designed to accommodate receiving this information as a cross-checking procedure.

***Question—A key issue in the development of the NAIS concerns the management of animal tracking information. Animal health officials must have immediate, reliable, and uninterrupted access to essential NAIS information for routine surveillance activities and in the event of a disease outbreak. APHIS determined that this goal could best be achieved by having the data repositories managed by APHIS. The Draft Program Standards document provides for two main NAIS information repositories: The National Premises Information Repository and the National Animal Records Repository. The National Premises Information Repository would maintain data on each production and animal holding location (contact name, address, phone number, type of operation, etc.) The National Animal Records Repository would maintain animal identification and movement data.***

***Recently, however, an industry-led initiative suggested a privately managed database as an alternative for the management of data on animal tracking in the NAIS. The industry group stated that a private database would ensure that the needs of both government and industry would be fulfilled, and that the flow of information throughout the NAIS would be maintained in a secure and confidential manner. APHIS is requesting comment from stakeholders regarding the utility of a privately managed database for holding animal location and movement information.*** NMPF believes that privately managed databases can serve an important function for producers, such as collecting genetic, herd health and market value added information which, if utilized properly, can greatly assist producer decision making. However, in the event of a widely dispersed animal disease affecting a number of different areas or regions of the U.S. simultaneously, it becomes critically important for government animal health officials at both the federal and state levels to have immediate access to one official centralized data base that can provide a comprehensive means of tracking all animal movements among all species nationwide without complications or delay. Thus, NMPF believes very strongly that APHIS must have authority and control over the national databases required to support NAIS. This does not mean that privately managed databases which are collecting the defined animal movement events required to be collected in the national databases cannot retain that information in the privately managed databases. Nor does it rule out the possibility that a privately managed entity might actually manage the NAIS national databases on behalf of USDA under contract. However, NMPF cannot envision how NAIS will work effectively to protect all producers unless the specific pieces of information required for tracking all animal movements is not required to be transferred into the NAIS national databases in a timely manner. Unless substantial information is forthcoming which clearly delineates how a privately managed database system can be of greater benefit to all producers in all segments of the livestock industry for national animal health monitoring, surveillance and emergency management purposes, NMPF believes that

USDA should continue to implement NAIS with the two national databases proposed under the NAIS Draft Program Standards.

### **Summary**

From the comments submitted above, NMPF strongly encourages USDA/APHIS to proceed to implement NAIS according to the Draft Strategic Plan and Draft Program Standards that have been developed by APHIS. Both documents generally reflect the recommendations coming out of a comprehensive stakeholder development process which began in 2002 and continues today through the active and involved efforts of a number of NAIS Species Working Groups. NMPF believes the recommendations developed by the Cattle Species Working Group have been properly incorporated into both the Draft Strategic Plan and the Draft Program standards documents, respectively. NMPF is confident that the best interest of dairy producers and other livestock producers will continue to be embodied within both of these documents if properly implemented in a timely manner.

NMPF wishes to compliment Secretary Johanns for expediting the public availability of the NAIS Draft Strategic Plan and Draft Program Standards document. Both documents have been too long in the development and NMPF is pleased that the public will finally have the opportunity to gain further insight and understanding of the plans for implementation of NAIS, the anticipated timeframes for implementation and program standards that will eventually direct the operations of NAIS.

NMPF appreciates the opportunity to submit these comments to USDA/APHIS regarding this notice of availability and request for comments. If we can be of additional assistance, please contact us.

Sincerely,

A handwritten signature in black ink, appearing to read "John B. Adams", with a stylized, flowing script.

John B. Adams  
Director, Animal Health and Farm Services